
The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Alan Miller.

DIGEST

Appel (SB 597)

PARENT PETITIONS FOR TRANSFERRING SCHOOLS TO THE RSD

Present law (R.S. 17:10.5) provides a mechanism by which the State Board of Elementary and Secondary Education (BESE) may remove a failing public school from the jurisdiction of the local public school board transfer such school to the Recovery School District (RSD).

Proposed law (R.S. 17:10.5(F)) retains present law but additionally provides for the transfer of a public school to the RSD if such transfer is approved by BESE and both of the following conditions are met:

1. Parents or legal guardians representing more than 50% of the students attending the school sign a petition requesting the transfer.
2. The school has received a letter grade of "F" or any variation thereof, for three consecutive years.

Requires BESE to adopt rules and regulations for implementation of the petition process including a petition format and submission process, signature validation procedures, and student transfer procedures. Requires the state Dept. of Education (DOE) to maintain records regarding petition contents and outcomes. Provides that parents/legal guardians shall be free from harassment, threats, and intimidation related to the circulation or signing of petitions. Prohibits the use of school and district resources to support or oppose any effort by petitioning parents/legal guardians to gather signatures or sign petitions.

CHARTER SCHOOLS

Present law provides generally for charter schools which are independent public schools that operate pursuant to a charter agreement with either a local public school board or the State Board of Elementary and Secondary Education (BESE). Local school boards authorize Type 1 and Type 3 charter schools. BESE authorizes Type 2, 4, and 5 charter schools (Type 5 charters may only be found in the RSD). Depending upon the type of charter proposed, a nonprofit organization that wishes to run a charter school, the "chartering group", applies to the "chartering authority" (the local school board or BESE) for approval to operate a charter school. If the application is approved, the chartering authority enters into an agreement with the chartering group which specifies the goals, objectives, terms, and conditions applicable to the particular school.

Type 1B Charter Schools

Proposed law creates a new type of charter school, Type 1B, and requires BESE to approve a process for certifying "Local Charter Authorizers" which may accept, evaluate, and approve applications for Type 1B charters in accordance with state law and BESE rules and regulations.

Proposed law provides that a Type 1B charter school may be a new school or a preexisting public school that has been converted to a charter school pursuant to an agreement between a nonprofit corporation and a local charter authorizer. Students who reside within the state are eligible to attend a Type 1B charter, as provided in the charter agreement.

Proposed law requires a local charter authorizer to hold a public meeting to receive public input prior to approving a charter for a Type B charter school. Such meeting must be held in the geographic area to be served by the school.

Present law provides that a BESE authorized charter school shall be considered the local education agency for purposes of special education funding and the local school board is the local education agency for the charter schools it authorizes.

Proposed law retains present law and additionally provides that a Type 1B charter school authorized by a local charter authorizer shall be considered the local education agency for special education funding purposes in the same manner as BESE authorized charter schools.

Present law requires charter schools to adopt budgets in accordance with the La. Local Government Budget Act. Proposed law retains present law and makes it applicable to Type 1B charter schools authorized by local charter authorizers. Requires that such schools submit their budgets to their local charter authorizer.

Present law establishes the La. Charter School Start-Up Loan Fund to provide no interest loans to assist charter schools with initial funding.

Proposed law provides that Type 1B charter schools authorized by local charter authorizers are eligible for loans from the fund.

Local Charter Authorizers

Proposed law requires BESE to establish procedures for certifying "local charter authorizers" as an alternate chartering authority (in addition to local school boards and BESE) for public charter schools. Entities eligible to be certified as a local charter authorizer include state agencies, nonprofit corporations with an educational mission, La. public postsecondary education institutions, or the governing authority of a parish or municipality.

With respect to the local charter authorizers, proposed law provides that BESE:

1. Shall not certify a nonprofit corporation as a charter authorizer unless it has been incorporated for at least three years and has not less than \$500,000 in assets, net of liabilities, as reported to the La. Dept. of Revenue.

2. Shall not certify a charter operator as a local charter authorizer.
3. Shall review each proposed local charter authorizer in a timely manner in accordance with the latest Principles and Standards for Quality Charter School Authorizing as established by the National Assoc. of Charter School Authorizers. Further requires BESE to provide for an independent evaluation of the charter proposal by a third party with specified expertise. BESE shall determine whether the proposal complies with law and BESE rules and regulations and is valid, complete, financially well-structured, and educationally sound. Provides that such proposals must provide for a master plan of academic excellence for the schools the local charter authorizer will oversee, whether the capacity exists for the local authorizer to authorize not fewer than five schools, and the assurance that it will be authorized at least five schools.
4. Shall not certify not more than five local charter authorizers to operate in any regional labor market area, as defined by the Louisiana Workforce Commission, at any given time.
5. Approve a process by which Type 1B charter schools authorized by a local charter authorizer shall be transferred to BESE as a Type 2 or a Type 5 charter, should the local charter authorizer lose BESE certification or otherwise cease to exist.
6. Monitor and evaluate the charter schools authorized by a local charter authorizer in accordance with the state's school and district accountability system.
7. May rescind a charter agreement between a local charter authorizer and a chartering group if the board finds that the local charter authorizer failed to comply with state law and BESE procedures and requirements in approving the charter.

Proposed law provides as follows for initial certification and renewal of local charter authorizers as follows:

1. The initial certification of a local charter authorizer shall be for a period of five years.
2. After the third year of operation, BESE must thoroughly review a local charter authorizer's activities and the performance of the schools it has authorized.
3. If the average performance of the schools authorized by the local charter authorizer is a letter grade of "C", "D", or "F", or any variation thereof, the local charter authorizer shall be placed on probation and must submit a school improvement plan to BESE.
4. If the average performance of the schools authorized by the local charter authorizer is a letter grade of "C", or any variation thereof, after the initial certification period, BESE may recertify the local charter authorizer. The local charter authorizer may maintain the charter schools it previously approved, but may not authorize any additional schools until the average school performance letter grade of the charter schools it authorizes is an "A" or "B", or any variation thereof.

5. If the average performance of the schools authorized by the local charter authorizer is a letter grade of "D", or "F", or any variation thereof, after the initial certification period, BESE shall not recertify the local charter authorizer and shall provide for the transfer of the charter schools authorized by such local charter authorizer to the board as a Type 2 or Type 5 charter school.
6. BESE may renew the certification of a local charter authorizer for periods of not less than three and not more than 10 years, after conducting a thorough review of the schools chartered by the local charter authorizer. BESE must continue to review the local charter authorizer and the schools it authorizes every three years. Renewal of certification and continuing authority to authorize charter schools is dependent on the average school performance letter grades received by the schools chartered by the authorizer. As with the initial 3-year review, an average performance letter grade of "C", or any variation thereof, rescinds a local charter authorizer's authority to charter additional charter schools until performance improves to an "A" or "B". A "D" or "F" letter grade, or any variation thereof, requires BESE cancellation of the local charter authorizer's certification and transfer of the schools it has authorized to the state board as a Type 2 or Type 5 charter.

Proposed law requires each local charter authorizer to make public through its website, and in printed form, information regarding the guidelines for submitting a charter proposal, the time lines and processes to be used to review such proposals, all forms required to submit a charter proposal, and the name and contact information for a primary point of contact for charter proposals.

Proposed law provides that a charter applicant who believes that a local charter authorizer has not complied with state law and BESE rules and regulations governing the evaluation of a charter application may submit its proposal to BESE for review and approval as a Type 2 charter.

Present law provides that assets acquired by a charter school (except Type 4) are the property of that school for the duration of that school's charter agreement. If the charter agreement is revoked or the school otherwise ceases to operate, all assets purchased with public funds become the property of the chartering authority. Proposed law retains present law and makes it applicable to charter schools authorized by local charter authorizers, with the stipulation that assets that become the property of a local charter authorizer must be used solely for purposes of operating charter schools.

Proposed law provides that if a local charter authorizer loses its BESE certification or otherwise ceases to exist, all of its public assets acquired as a local charter authorizer shall become the property of BESE. Further requires such authorizer to document all assets acquired with private funds.

Chartering Process

Proposed law requires BESE to approve common charter applications developed by DOE for use by all chartering authorities in the state and provides that such applications shall allow a potential

chartering group to propose multiple charter schools through a single application.

Proposed law requires BESE to recruit chartering groups that offer programs that address regional workforce needs and which may include vocational and technical education and industry-based certifications.

Proposed law requires BESE to create a process for authorizing multiple charter schools for charter operators that have a demonstrated record of success, including operators that do not operate any schools in La. An operator that meets qualifications established by BESE may enter agreements with BESE to operate more than one charter school under a single agreement.

Present law requires the school board to determine whether a proposed charter is valid, complete, financially well-structured, and educationally sound, whether it provides for a master plan for improving behavior and discipline, whether it provides a plan for collecting data, and whether it offers potential for fulfilling the purposes of the charter school law. Requires a transparent application review process that complies with standards established by the National Assoc. of Charter School Authorizers. Requires that local school boards post specified information regarding charter applications on their websites.

Proposed law retains present law.

Present law requires an independent evaluation of the charter proposal by a third party with educational, organizational, legal, and financial expertise. Requires that, prior to final consideration by the school board, the charter operator must be afforded an opportunity to revise and resubmit an application in response to the independent evaluation.

Proposed law removes requirement for opportunity to revise and resubmit and provides instead for opportunity to submit a written response and that such a response shall be available to the independent reviewer before it makes its final recommendation.

Present law authorizes school boards to accept charter applications until Feb. 28 of each year and requires school boards to act upon charter applications within 90 days after submission and in the order of submission.

Proposed law requires instead that school boards act within time lines established by BESE that are consistent with national best practices. Provides that the BESE time lines shall provide for an annual charter application process and afford school boards at least 90 days to evaluate applications. Further requires each school board to use the common charter application developed by the department and approved by BESE, but authorizes the school board to request additional information.

Present law provides that if an applicant has not received a decision from the school board after 90 days, the charter operator may apply to BESE for a charter.

Proposed law removes this provision and provides instead that if a local board fails to comply

with state law, the charter applicant may submit its proposal to BESE. Provides that BESE may review the charter proposal if it determines a local school board failed to comply with state law.

Present law requires local school boards to make available to chartering groups any vacant school facilities for lease or purchase up to fair market value. Provides that in the case of a Type 2 charter created as the result of a conversion, the facility and all property within the existing school shall be made available to the chartering group. Requires the chartering group to pay a proportionate share of the local school board's bonded indebtedness in return for use of the facilities. Further provides that if the facilities were constructed at no cost to the local school board, then such facilities and contents within shall be provided to the charter school at no extra cost.

Proposed law retains present law and includes Type 1B charter schools in the provisions that apply to Type 2 charter schools.

Present law requires that proposals for Type 1 and Type 3 charter schools must first be made to the local school board with jurisdiction where the school is to be located. If the local school board denies the proposal, or if conditions placed on the proposal by the local school board are not acceptable to the chartering group, then a proposal for a Type 2 charter school may be made to BESE.

Proposed law retains present law and additionally provides that if the local school system where a chartering group intends to apply to operate a charter school has received a school performance letter grade of "D" or "F", or any variation thereof, then a proposal for a Type 2 charter school may be made to BESE.

Present law provides that each application for a charter (except a Type 4 charter) shall be submitted to the pertinent chartering authority by a nonprofit corporation established in accordance with state law. Further provides that each approved charter may be approved subject to whatever resolutive or suspensive conditions the chartering authority requires, provided those entering into the charter agree with the conditions.

Proposed law retains these provisions and additionally provides that if the local board or local charter authorizer seeks to amend the charter agreement in a manner that is unacceptable to the charter school or if the charter school finds requested terms for charter renewal to be unacceptable, the charter school may petition BESE to convert to a Type 2 charter school. Requires BESE to notify the local board or local charter authorizer of the request and permit the local board to respond prior to any action.

Charter School Admissions Criteria

Present law requires that proposed charters contain or provide for a system for admission decisions that prohibits exclusion of students based on race, religion, special education needs, and other specified factors. Permits admission requirements related to a school's mission such as auditions for performing arts schools and academic achievement for college preparatory schools.

Proposed law generally retains present law except as follows:

1. Disallows inclusion of academic achievement as an admissions criterion for college preparatory schools, but provides that schools chartered prior to July 1, 2012, that include academic achievement as an admission requirement may continue to use such requirement.
2. Allows a charter school with a language immersion mission to use proficiency in a foreign language as an admissions criterion.

Charter School Enrollment

Present law provides that unless otherwise provided in the charter agreement a charter school may not enroll in any given year more than 120% of the total number of students which had been approved in the charter without formally amending their charter.

Proposed law retains this provision but additionally provides that BESE may authorize the state superintendent of education and the RSD superintendent to amend the charter of any Type 5 charter school participating in a unified enrollment system administered by the RSD for the purpose of adjusting student enrollment limitations.

Charter School Teachers and Other School Employees

Present law requires all charter schools, other than those in the RSD, to employ teachers certified by the state board or the French Ministry of Education for at least 75% of the instructional staff. Provides that the remaining instructional staff shall meet one of the following requirements:

1. Be authorized under law or BESE regulation to teach temporarily while seeking a regular teaching certificate.
2. Have at least a bachelor's degree or at least ten years of experience related to the teaching position, demonstrate exemplary skills in his field of expertise, and be providing instruction under the supervision of a certified teacher.

With respect to charter schools in the RSD, present law requires each school:

1. Beginning no later than the second school year of operation, have not less than the percentage of BESE-certified teachers than was the case in the school prior to its transfer to the RSD.
2. Beginning no later than the third school year of operation, have a BESE-certified teacher teaching every core subject.
3. All other instructional staff shall meet the same requirements established for other types of charter schools.

Proposed law deletes these requirements and instead requires that all instructional staff at a charter school must have at least a baccalaureate degree.

Charter Revision and Renewal

Present law provides that approved charters are valid for an initial period of five years.

Proposed law provides that the initial period is four years, but may be extended for an additional year.

Present law provides that after the initial period, a charter may be renewed for periods of not less than three nor more than 10 years.

Proposed law retains present law.

Present law provides that the process for renewing a charter shall be the same as for initial charter approval, with a written report being provided annually to the chartering authority regarding the school's academic progress that year.

Proposed law deletes present law.

Proposed law provides that the operator of a charter school which received a letter grade designation of "A" or "B", or any variation thereof, and has met the criteria established in present law for automatic renewal shall be eligible to open and operate two additional schools that serve the same grade levels and the same enrollment boundaries as defined in the charter agreement of the school it currently operates, without formal application to its chartering authority. Requires the chartering group to notify its chartering authority of its intent to open one or two additional schools at least 120 calendar days prior to the day on which each additional school shall enroll students. Further requires that at least 90 days prior to the day on which each additional school shall enroll students, the chartering authority shall enter into a charter agreement with the chartering group for each additional school and notify BESE of its action.

Present law requires that each charter school provide a comprehensive report to its chartering authority after three years of operation. If the school is achieving its goals, the chartering authority must extend the charter for an additional two years.

Proposed law deletes the reporting requirement and requires instead that the chartering authority review each charter school after three years. If the school is meeting its goals, the initial charter period may be extended to include the fifth year. If not, the charter expires at the end of the school's fourth year.

Present law provides that a charter is automatically renewed if the school has met or exceeded, for the three preceding years, the benchmarks established for it in accordance with present law, has demonstrated growth in student academic achievement for the three preceding school years, and has had no significant audit findings during the term of the charter agreement.

Proposed law provides that the operator of a charter school that qualifies for automatic renewal and has received a letter grade of "A" or "B", or any variation thereof, is eligible to open and operate two additional schools that serve the same grade levels and the same enrollment boundaries without formal application. Requires that the charter operator notify the chartering authority of its intent to open additional charter schools at least 120 calendar days prior to enrolling students and enter into a charter agreement at least 90 calendar days prior to enrolling students.

Charter School Funding

Present law provides that for funding purposes, Type 1, Type 3, and Type 4 charter schools shall be considered an approved public school of the local school board entering into the charter agreement and shall receive a per pupil amount each year from the local school board.

Proposed law retains this provision.

Present law provides that Type 2 charter schools chartered prior to July 1, 2008 (legacy Type 2 charters) shall receive a per pupil amount from DOE using state funds appropriated for that purpose. Provides that Type 2 charter schools authorized by BESE after July 1, 2008 shall receive a per pupil amount each as provided in the MFP formula.

Proposed law deletes provisions for legacy Type 2 charter schools to be funded outside of the MFP formula. Provides that Type 1B charter schools and all Type 2 charter schools will be funded through the MFP formula.

Present law allows a chartering authority to annually charge each charter school it authorizes a fee in an amount equal to two percent of the total per pupil amount received by the charter school to be sued for administrative overhead costs incurred by the chartering authority.

Proposed law retains these provisions but deletes the general reference to the "chartering authority" and instead specifies that BESE, a local school board, and a local charter authorizer may charge such administrative fee.

Present law requires BESE to review information regarding the laws, regulations, and policies from which charter schools are exempt to determine if the exemptions assisted or impeded the charter schools in meeting their stated goals and objectives. Further requires BESE to report to the governor and to the legislative education committees, no later than Jan. 1, 2001, on its findings. Requires that the report include statistical analysis of performance.

Proposed law repeals present law.

COURSE PROVIDERS

Proposed law (R.S. 17:4002.1-4002.6) provides for the Course Choice Program as follows:

Definitions:

1. "Course provider" means an entity that offers individual courses in person or online, including online or virtual education providers, postsecondary education institutions, and corporations that offer vocational or technical course work and have been authorized by BESE to provide such courses.
2. "Eligible funded student" means any La. resident student who meets one of the following criteria:
 - (a) Attends a public school with a performance letter grade of "C", "D", or "F", or any variation thereof.
 - (b) Attends a public school that does not offer the course in which the student desires to enroll.
 - (c) Is the recipient of a scholarship pursuant to the Student Scholarship for Educational Excellence program.
3. "Eligible participating student" means any La. resident student who meets one of the following criteria:
 - (a) Attends a public school that has received a performance letter grade of "A" or "B", or any variation thereof.
 - (b) Attends a BESE approved nonpublic school.
 - (c) Is enrolled in a BESE approved home study program.

BESE duties and responsibilities:

1. Create a process for authorizing course providers that shall determine whether the provider's proposal complies with state law and rules, and other specified criteria. The initial authorization period for course providers shall be three years and course providers may be reauthorized for additional periods of 3-5 years.
2. Provide for an independent evaluation of proposals submitted by course providers by a third party with educational, organizational, legal, and financial expertise.
3. Provide for an agreement with each course provider that includes a plan for implementing or providing the following:
 - (a) Administration of state assessments pursuant to the state and district accountability system to all students except for home study students.

- (b) The parishes or local school systems in which the course provider will operate.
 - (c) Courses to be offered, the designated length of each course, and the alignment of such courses with state content standards.
 - (d) Alignment of courses with high school graduation requirements for all types of state diplomas.
 - (e) Assurance that the course provider, to the best of its ability, will collaborate and coordinate with local school systems.
- 4. Monitor and evaluate course providers in accordance with performance expectations established by the board. Specifies that student achievement shall be the predominant criterion.
 - 5. Create a common course numbering process and course catalog for all courses offered, by parish, prior to the 2013-2014 school year.
 - 6. Create a reciprocal teacher certification process for certain teachers residing in other states who are employed by course providers and teach virtual education courses to satisfy teacher certification requirements.
 - 7. Adopt rules for implementation of proposed law.

Local school system duties and responsibilities:

- 1. Establish policies and procedures for counting credits earned by and administering state tests to eligible students enrolled in public schools and for all services to be provided to such students, including those with Individual Education Plans.
- 2. Make the course catalog created by BESE available to all students during the annual course enrollment process.
- 3. Shall not actively discourage, intimidate, or threaten a student at any time, including during the course enrollment process.

General Provisions:

- 1. Provides that the aggregate test scores of students enrolled in courses offered by course providers shall be counted in the school performance score for the school in which the student is enrolled full time. Further provides that these scores be reported to and published by DOE for each course provider.
- 2. Provides that all participating students other than home study students must enroll in at least one course at the school in which he is enrolled in full time.

Funding and Payment to Course Providers:

1. Specifies that course providers shall receive a per course amount for each eligible funded student equal to 1/6 of 90% of the MFP per pupil amount for the local school system in which the student resides.
2. Provides that 10% of the MFP per pupil amount according to such pro rata share shall remain with the local school system in which the student is enrolled full time to be used to finance any administrative or operational costs to support students enrolled in courses offered by course providers as determined by BESE.
3. Provides that DOE shall transfer course payments to the authorized course provider on behalf of the responsible city or parish school system.
4. For eligible students who receive scholarships to attend nonpublic schools pursuant to state law, the course provider shall receive payment only for the courses in which the student is enrolled and the remaining funds for each student up to the maximum amount as determined by the MFP shall stay with the participating nonpublic school in which the student is enrolled.
5. Allows course providers to charge tuition to eligible participating students (public school students attending an "A" or "B" school, nonpublic school students attending a BESE approved nonpublic school, and home study students enrolled in a BESE approved home study program) in an amount determined by the provider.
6. Provides that 50% of the tuition to be paid or transferred through the MFP to the course provider shall be done so upon student enrollment in a course and 50% shall be paid or transferred upon course completion if the student completes the course within the time established by the course provider. Provides the course provider shall only receive 40% of the course amount if the student completes the course later than the published course length established by the course provider. The remaining 10% of the course amount shall remain with the school in which the eligible funded student is enrolled full time.

STUDENT SCHOLARSHIPS FOR EDUCATIONAL EXCELLENCE PROGRAM

Present law provides for the Student Scholarships for Educational Excellence Program for eligible students in grades K-6 as follows:

1. Provides that "eligible student" means a student who:
 - (a) Resides in Orleans Parish.
 - (b) Is a member of a family with a total income not exceeding 250% of the current federal poverty guidelines.

- (c) Is entering kindergarten or was enrolled in a failing public school in New Orleans in a program eligible grade or received a scholarship in the previous school year and remains program eligible.
- 2. Provides for scholarships to be awarded to eligible students to attend academically acceptable public schools and nonpublic schools that volunteer to participate in the program and meet certain eligibility requirements.
- 3. Limits enrollment of scholarship recipients at a participating nonpublic school that has been in operation for less than two years to 20% of total enrollment but permits waivers of this limitation by the state Dept. of Education.
- 4. Provides for a random selection process coordinated by the department and conducted by participating schools when there are more program applicants than seats available.
- 5. Permits participating schools to give enrollment preferences to siblings of students already enrolled in the participating school.
- 6. Permits scholarship recipients to remain eligible to receive scholarships in each succeeding year that they remain enrolled in a participating school through grade 12, unless determined ineligible by the department.
- 7. Requires participating nonpublic schools to ensure that scholarship recipients are administered all examinations required pursuant to the state's school and district accountability program.
- 8. Provides for scholarship amounts equivalent to 90% of the per pupil amount for Orleans Parish school system from combined state and local sources (or the amount of tuition and fees for participating nonpublic schools, whichever is less) and provides for an added amount for special education services.
- 9. Prohibits participating public schools from receiving any MFP funds for scholarship recipients.
- 10. Specifies that funding shall be provided by legislative appropriation from the state general fund.
- 11. Requires DOE to remit scholarship payments to participating schools on behalf of the parents/legal guardians who shall assign the full value of the scholarship to the participating school.
- 12. Provides for administration of the program by DOE in accordance with rules and regulations adopted by BESE.
- 13. Requires DOE to annually report to the House and Senate education committees and the

Joint Legislative Committee on the Budget on the implementation of the program including specified information.

Proposed law changes the program as follows:

1. Expands eligibility to students statewide and provides that "eligible student" means a student who:
 - (a) Is a member of a family with a total income not exceeding 250% of the current federal poverty guidelines.
 - (b) Is entering kindergarten or was enrolled in a La. public school on Feb. 1st of the previous year that had a letter grade of "C", "D", or "F", or any variation thereof, or received a scholarship the previous school year. Specifies that those students entering kindergarten shall have enrolled in the local school system where the public school they otherwise would have attended is located or in an RSD school.
2. Eligible participating schools shall be those throughout La. (instead of Orleans Parish only) that meet program requirements. Specifies that public school participation shall be subject to any applicable court-ordered desegregation plans.
3. Requires the notice of intent from schools seeking to participate to include the number of seats available per grade and whether the school will offer enrollment preferences to students based on the parishes where they reside.
4. Requires the principal of an eligible public school to submit the notice of intent for program participation with the local superintendent's approval. Further requires the local school board to delegate the authority to participate in the program to the local superintendent.
5. Provides that DOE shall conduct the random selection process until each seat is filled, instead of the participating school. Permits a unified enrollment system administered by the Recovery School District to be considered the random selection process.
6. Requires that applications from parents/legal guardians of students shall indicate their choices of participating schools and requires that scholarship recipients be placed according to the indicated preferences.
7. Authorizes DOE to give enrollment preferences to:
 - (a) Siblings of students already enrolled in the participating school.
 - (b) Students enrolled in the Nonpublic School Early Childhood Development Program at the participating school.

- (c) Students transferring from an ineligible school.
 - (d) Students residing in such parishes as may be specified by an eligible participating school in its notice of intent.
- 8. Deletes requirements that the department annually verify student eligibility status.
- 9. Requires DOE to annually publish the following information for all participating schools:
 - (a) The most recent aggregate average proficiency rates on state assessments for scholarship recipients enrolled at each participating school.
 - (b) A list of all public schools with a letter grade of "C", "D", or "F", or any variation thereof.
 - (c) The rate at which scholarship recipients finish the highest grade level offered at a participating school, by entering cohort.
 - (d) The retention rate for scholarship recipients.
 - (e) The percentage of parents/legal guardians of scholarship recipients who are satisfied with the participating school.
- 10. Relative to nonpublic schools accepting scholarship students as more than 20% of total enrollment, requires that the school has to have been approved, provisionally approved, or probationally approved by BESE for more than 2 years instead of in operation for such time and removes authority for the department to waive this requirement.
- 11. Deletes eligibility requirement that a public school be academically acceptable and instead requires that the school have a letter grade of "A" or "B" or any variation thereof, for the most recent school year.
- 12. Deletes provisions that a scholarship recipient already participating in the program may be determined ineligible and disqualified from participating in the program in subsequent years.
- 13. Specifies that if a scholarship recipient remains enrolled in a school after the school withdraws from the program, it shall be at no cost to the state or the parents.
- 14. Excludes scholarship recipients attending participating nonpublic schools from present law that requires local school boards to provide free transportation to students who reside more than one mile from school.
- 15. Requires the department annually to publish certain student test result data, and requires participating schools to inform parents of certain test result data compiled and received

from the department.

16. Deletes requirement that the scholarship amount for participating schools be 90% of the per pupil amount or applicable tuition costs and instead requires BESE to annually allocate from the MFP to each participating school, an amount equal to the amount allocated per pupil to the local school system in which the participating student resides. Provides that such amount shall be counted toward the equitable allocation of funds appropriated to local school systems as provided in Art. 8, Sec. 13, of the state constitution. For participating schools that charge tuition, provides that any remaining funds shall be returned to the state or to the local public school system according to the pro rata share for the annual per pupil amount as determined by the MFP.
17. Requires DOE to transfer scholarship payments to participating schools on behalf of the responsible local public school system.
18. Provides that scholarship recipients shall be considered public school students for MFP funding purposes.
19. For program funding purposes, requires students entering kindergarten to enroll in their local public school system or in an RSD school and requires school systems and the RSD to conduct and report their annual kindergarten enrollment in accordance with a time line specified by the department prior to the program enrollment process.
20. Deletes the requirement that federal special education funding be added for special education students receiving scholarships, deletes the prohibition on participating schools receiving any MFP funds for scholarship recipients, and deletes the requirement that funding be provided by legislative appropriation from the state general fund.
21. Provides that parents of scholarship recipients in participating nonpublic schools who are entitled to special education services shall indicate, in writing, one of the following:
 - (a) That the parent/legal guardian revokes consent for the student to receive such services from the participating nonpublic school or the local school system in which the scholarship recipient would otherwise be attending.
 - (b) That the scholarship recipient will receive such services from the participating nonpublic school if the school chooses to offer such services. Allows participating nonpublic schools to charge higher tuition for special education students receiving such services.
22. Requires BESE annually to allocate from the MFP to each participating school a per pupil amount equal to a special education tuition amount which is in addition to the nonpublic school's maximum scholarship payment. Prohibits the total of the payment and the special education tuition from exceeding the amount allocated for that student to the local school system.

23. Requires that in order to provide special education services, a participating nonpublic school shall meet certain criteria including having had provided special education services for at least 2 years under specified conditions.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 17:158(A)(1), 3973(3) through (6), 3981(4), 3982(A)(1)(a) and (2) and (B), 3983(A)(2)(a)(i), (3)(a), and (4)(a), (b), and (d), (B)(2), (D), and (G), 3991(B)(3) and (13), (C)(1)(c)(iv) and (6), (D)(2)(a)(i), and (H), 3992(A)(1), 3995(A)(1)(intro para) and (c) and (4)(a), 3996(C) and (G), 3998, 4001(A) and (C)(1) and (2), and 4011 through 4025; Adds 17:10.5(F), 3973(2)(b)(vi) and (7), 3981(7) and (8), 3981.1, 3981.2, 3982(A)(3), 3983(A)(2)(a)(iii) and (d) and (3)(d) and (E)(3), 3992(D), and 4002.1 through 4002.6; Repeals R.S. 17:3991(B)(9), 3996(A)(16) and (B)(4))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Education to the original bill.

1. Changes the percentage of parental signatures required to petition BESE to transfer a public school with a letter grade of "F" from "at least 51%" of the student enrollment to "more than 50%".
2. Allows a chartering group in a local school system with a "D" or "F" letter grade to apply to BESE for a Type 2 charter without first applying to the local school board.
3. Deletes present law allowing proposed charters to include academic achievement for college preparatory schools as admission requirements for schools chartered after July 1, 2012.
4. Permits that admission requirements of proposed charters may include proficiency in a foreign language for schools with a language immersion mission.
5. Makes present law requirement that assets acquired by a charter school (except Type 4) remain the property of that school for the duration of that school's charter agreement applicable to charter schools authorized by local charter authorizers.
6. Adds that assets that become the property of a local charter authorizer shall be used solely for purposes of operating charter schools.
7. Requires that in addition to qualifying for automatic renewal to be eligible to open and operate two additional schools without formal application, a charter school operator also shall have received a letter grade of "A" or "B" or any variation thereof.
8. Relative to course providers, removes home study students from the definition of "eligible funded student" and instead includes such students in the definition of "eligible participating student".

9. Relative to funding for eligible participating students (in the course choice program) who receive scholarships pursuant to the scholarship program, requires that the course provider shall receive payment only for the courses in which the student is enrolled pursuant to proposed law and the remaining funds for each student up to the maximum amount as determined by the MFP stay with the participating school in which the student is enrolled.
10. Relative to the Student Scholarships for Education Excellence Program, adds to enrollment requirements for students entering kindergarten that they enroll in their local public school system or in an RSD school and also requires the RSD to conduct and report its annual kindergarten enrollment.
11. Adds requirement that the notice of intent from a school seeking to participate in the program include whether the school elects to offer enrollment preferences to students based on the parishes where they reside.
12. Adds authorization for the state Dept. of Education to give enrollment preferences to students residing in parishes as may be specified by eligible participating schools in their notices of intent.
13. Provides that the state Dept. of Education shall conduct the random selection process until each seat is filled according to the department's established time line instead of prior to the start of the school year.
14. Provides that in order to accept scholarship students as more than 20% of total enrollment, a nonpublic school has to have been approved, provisionally approved, or probationally approved for more than 2 years instead of in operation for such time and deletes present law and proposed law waiver authority and related criterion.